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U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION NO.
04CV10632MEL

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARY B. SMITH
PLAINTIFF

v.

DAVID C. NICHOLSON, et al
DEFENDANT

June 29, 2004

AUTOMATIC DISCLOSURE OF THE PLAINTIFF, MARY B. SMITH

NOW COMES THE PLAINTIFF, Mary B. Smith, in the above-captioned matter, and makes the following disclosure pursuant to 26(a)(1). Local Rule 26.1 and Expense and Delay Rule 2.02.

A. Persons with Knowledge of Discoverable Information:

Parties and Incident Witnesses:

1. Mary Burke Smith, 464B Heritage Village, Southbury, CT. Plaintiff.
2. David C. Nicholson, 12 Old Lantern Lane, Harwich, MA. Defendant.
3. Dominic M. Sawicki, 86 Alexander Avenue, Belmont, MA, Defendant.
4. Carol Ann Whitney, 46 Olde Homestead Way, Harwich MA., Defendant.
5. Glenn Whitney, 46 Olde Homestead Way, Harwich, MA. Defendant.
6. Joanne Dayton, 71 Pine View Road, Brewster, MA and 45 Mechanic Street, Foxboro, MA. Witness to Plaintiff's Fall.
7. Riley Seith, 48 Devon Drive, Northbridge, MA. Witness to Plaintiff's Fall.
8. Kent Seith, 48 Devon Road, Northbridge, MA Witness to Plaintiff's Fall.
9. Debra Seith, 48 Devon Drive, Northbridge, MA. Witness to Plaintiff's Fall.

Persons present at the Scene after Plaintiff's Fall:

10. Personnel from Harwich Fire Department Ambulance. Plaintiff's Emergency Care at the scene and transportation to Cape Cod Hospital.

11. Joann Nicholson, daughter of Defendant, David C. Nicholson.
12. Paul Dayton, fiance of Joann Nicholson, and son of witness, Joanne Dayton.

Others:

13. Personnel of Cape Cod Hospital, 27 Park Street, Hyannis, MA
Plaintiff's Emergency Medical Care.
14. Personnel from Cape Cod Ambulance Service, Yarmouthport, MA
Plaintiff's transportation to Waterbury (CT) Hospital.
15. Personnel from Waterbury Hospital Emergency Room, 64 Robbins Street, Waterbury, CT.
Plaintiff's medical care.
16. Personnel from Waterbury Hospital Health Center. 64 Robbins Street, Waterbury, CT.
Plaintiff's medical care.
17. Personnel from Waterbury Extended Care Facility, 35 Bunker Hill Road, Watertown, CT.
Plaintiff's medical care.
18. Personnel from The Visiting Nurses services of Connecticut, 800 Main Street, Southbury, CT.
Plaintiff's medical care.
19. Personnel from Family Care., P. C., 140 Grandview Avenue, Waterbury, CT.
Plaintiff's medical care.
20. Personnel from Orthopaedic Surgery, P. C., 1201 West Main Street, Waterbury, CT.
Plaintiff's medical care.
21. Vincent B. Smith. Plaintiff's son.
22. Mary S. Palmer, Plaintiff's daughter.

The Plaintiff also adopts the Defendants' witness lists, as persons possessing discoverable information. The Plaintiff may supplement this disclosure based on further discovery or disclosures.

B. Discoverable Documents:

1. Documents noted in Defendant Sawicki's Disclosure (Copies noted as provided separately but not yet received by Plaintiff).
2. Harwich Fire Department Ambulance Report Form, April 6, 2002.
3. Medical Report of O. Joseph Bizzozero, M.D., one of Plaintiff's Physicians, dated February 24, 2004.
4. December 10, 2003 Report of Investigation on behalf of Defendant Sawicki alleging Plaintiff fell on property of Defendant Nicholson.
5. September 4, 2003 Report of Investigation on behalf of Defendant Sawicki alleging Plaintiff fell on property of Defendants, the Whitneys.
6. Quitclaim Deed of December 11, 1998, The Menzies Family Trust to Carol Ann Whitney and Glenn Whitney.
7. Quitclaim Deed of February 5, 2002, David C. Nicholson and Patricia A. Nicholson to David C. Nicholson and Patricia A. Nicholson as Trustees of the D.J.J. Realty Trust.
8. Quitclaim Deed of December 21, 2000, Dominic M. Sawicki to Dominic M. Sawicki, Trustee of The Dominic M. Sawicki Nominee Trust.
9. May 15, 1980, Subdivision Plan of Land in Harwich, No. 39835B.
10. Town of Harwich Fiscal Year 2004 Assessor's Record No. 10469, 12 Olde Lantern Lane, Nicholson David C Trs et al, dated 3/39/2004.
11. Town of Harwich Fiscal Year 2004 Assessor's Record No. 11040, 46 Olde Homestead Way, Whitney Carol Ann et al, dated 3/29/2004.

12. Town of Harwich Fiscal Year 2004 Assessor's Record No.11039, 38 Olde Homestead way, Sawicki Dominic M. trs., dated 3/29/2004.
13. Medical Records of Plaintiff, previously provided to Defendants Sawicki and Nicholson, provided to Defendants, the Whitneys with this Disclosure.

Privileged Trial Preparation Materials:

Being Developed. Disclosure will be supplemented.

C. Computation of Damages:

The Plaintiff is seeking damages, at trial, in excess of \$50,000 for past and future medical expenses and for satisfaction of possible liens totaling over \$50,000; in excess of \$250,000 for past, current and future pain and suffering; in excess of \$500,000 for her disability and costs of current and future care; plus punitive damages, interest, costs and attorneys fees.

The Plaintiff has submitted a Settlement Proposal to the Defendants in the amount of \$250,000.

D. Insurance Agreements:

The Plaintiff has no insurance agreements that would compensate her for her losses. The Plaintiff has medical and health insurance through Medicare/Medicaid and Supplemental Medical Insurance through Aetna.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 29TH DAY OF JUNE, 2004.

Plaintiff,
MARY B. SMITH

By

Alfred J. Smith, Jr., Esq.
BBO #467700
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Stamford, CT 06901
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CERTIFICATE OF SERVICE

I, Alfred J. Smith, Jr., Esq., hereby certify that I delivered, in person, a copy of the foregoing to the following:

Robert A. Curley, Jr., Esq.
Counsel for Defendant Sawicki

Bruce R. Fox, Esq.
Counsel for Defendants, the Whitneys

John F. Gleavy, Jr., Esq.
Counsel for Defendant Nicholson,

together with copies of the discoverable documents noted. Atty. Fox was also given copies of the Plaintiff's medical bills which had previously been given to the other Defendants.

June 30, 2004

Alfred J. Smith, Jr., Esq.